



05-CV-01365-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES BATTLE,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C05-1365-TSZ-MAT

ORDER OF DISMISSAL

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the ~~Report~~ ^{unopposed} and Recommendation;
- (2) Plaintiff's application to proceed *in forma pauperis* is DENIED and this case is DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

DATED this 6th day of Sept, 2005.


THOMAS S. ZILLY
United States District Court Judge